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22JE-CC00858 - TRICIA DANE V MERCY JEFFERSON (E-CASE)

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03/15/2023

☐Notice

TO ALL PRO SE PARTIES

☐Case Mgmt Conf Scheduled**Scheduled For:** 07/19/2023; 10:30 AM ; SHANNON RENEE DOUGHERTY; Jefferson☐Hearing Continued/Rescheduled

Continuance Reason - Request of Court; Continuance Requestor - Court

Hearing Continued From: 03/15/2023; 1:00 PM Case Management Conference

03/13/2023

☐Motion for Continuance

Motion for continuance.

Filed By: KRISTINE DEANN SHILT**On Behalf Of:** TRICIA DANE

03/08/2023

☐Summons Issued-Circuit

Document ID: 23-SMCC-412, for MERCY JEFFERSON HOSPITAL-1400 US 61.

☐Note to Clerk eFiling**Filed By:** KRISTINE DEANN SHILT☐Alias Summons Requested

Request to Reissue Summons.

Filed By: KRISTINE DEANN SHILT**On Behalf Of:** TRICIA DANE

02/15/2023

☐Notice

TO ALL PARTIES

02/10/2023☐ **Case Mgmt Conf Scheduled**

SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON

Associated Entries: **03/15/2023 - Hearing Continued/Rescheduled** **Scheduled For:** 03/15/2023; 1:00 PM ; SHANNON RENEE DOUGHERTY; Jefferson**02/08/2023**☐ **Judge Assigned**

WILL BE NOTIFIED BY DIVISION CLERK OF NEW COURT DATE

01/11/2023☐ **Returned Mail-Undeliverable**

USPS returns check Unable to Forward. Found a new address and re-sent on 1/24/23

10/26/2022☐ **Summons Issued-Circuit**

Document ID: 22-SMCC-1679, for MERCY JEFFERSON HOSPITAL-1400 US 61.

☐ **Filing Info Sheet eFiling****Filed By:** KRISTINE DEANN SHILT☐ **Note to Clerk eFiling****Filed By:** KRISTINE DEANN SHILT☐ **Pet Filed in Circuit Ct**

PETITION; RIGHT TO SUE.

On Behalf Of: TRICIA DANE☐ **Judge Assigned**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
MISSOURI AT HILLSBORO**

TRICIA DANE,)	
)	
Plaintiff,)	Case No.
)	Division
v.)	
)	
MERCY JEFFERSON,)	<u>JURY TRIAL</u>
<u>DEMANDED</u>)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW Plaintiff, Tricia Dane (“Plaintiff”), by and through the undersigned counsel and states and alleges as follows for her Petition for Damages against Defendant Mercy Jefferson (“Mercy”).

INTRODUCTION

1. In violation of the Missouri Human Rights Act (“MHRA”), Plaintiff, while an employee of Defendant, Mercy, was subjected to unlawful discrimination based on her religious beliefs, and in retaliation for engaging in protected activity and otherwise exercising her legal rights.

2. Plaintiff seeks compensatory and punitive damages against Mercy.

PARTIES

3. Plaintiff is and was at all times relevant to the allegations contained herein a Missouri resident.

4. Defendant Mercy is and was at all times relevant to the allegations contained herein, a Missouri “employer” as that term is defined in the Missouri Human Rights Act.

5. At all times relevant herein, before and after, the individual actors named herein, including but not limited to Plaintiff's supervisors and management-level employees of Defendant, were agents, servants, and employees of Defendant and were at all times acting within the scope and course of their agency and employment, or their actions were expressly authorized and ratified by Defendant. Therefore, Defendant is liable for the actions of said persons under all theories pled herein.

JURISDICTION AND VENUE

6. The discriminatory conduct alleged herein occurred in Jefferson County, Missouri giving this Court jurisdiction over the claims and making this Court the appropriate forum.

CONDITIONS PRECEDENT

7. Plaintiff timely filed her first Charge of Discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on or about November, 2021, alleging discrimination on the basis of religion and retaliation against Defendant. *A copy of the charge is attached hereto as **Exhibit A** and incorporated herein by reference.*

8. The Equal Employment Opportunity Commission "EEOC" issued Plaintiff a Notice of Right to Sue with respect to her first Charge of Discrimination on July 27, 2022. *A copy of the Notice of Right to Sue is attached hereto as **Exhibit B** and incorporated herein by reference.*

9. This action has been timely filed with this Court and Plaintiff has met all conditions precedent to filing this action.

FACTUAL ALLEGATIONS

10. Plaintiff has worked for Mercy since March 8, 2021. Her last position was Registered Nurse.

11. On or about July 7, 2021, Plaintiff was notified by Mercy that she would need to be vaccinated with the experimental Covid-19 vaccine by September 30, 2021.

12. Plaintiff submitted a request for religious exemption to the Covid-19 vaccine based on a sincerely held religious belief in July, 2021.

13. Plaintiff's request for a religious exemption was denied on August 2, 2021.

14. Plaintiff filed an appeal of the religious exemption denial on August 2, 2021 with additional information regarding her deeply held religious beliefs.

15. Plaintiff received a second religious exemption denial on August 20, 2021 and was told if she did not get vaccinated she would be placed on unpaid administrative leave on September 30, 2021.

16. Plaintiff was placed on administrative leave on September 30, 2021.

17. On or about October 30, 2021, Plaintiff was terminated by Mercy for failing to be vaccinated.

18. Plaintiff was denied an opportunity to discuss alternatives or to have a collaborative discussion (as required under the law) regarding accommodations.

19. Plaintiff believes others were also terminated rather than accommodated due to religious or medical exemptions.

20. In addition to discrimination on the basis of her religion, Plaintiff has further experienced retaliation.

21. Plaintiff believes she was terminated in retaliation for her complaints of discrimination and speaking out against the COVID vaccination policy.

22. As a result of the discrimination and retaliation to which Defendant has subjected Plaintiff, Plaintiff has suffered and continues to suffer damages, including but not limited to lost wages, lost benefits, lost bonus payments, loss of earning capacity, loss of career opportunity, costs of seeking alternate income, pain and suffering, emotional

distress, humiliation, upset, damage to her reputation, deprivation of civil rights, and in other respects.

COUNT I

Religious Discrimination
(Pursuant to the MHRA, Section 213.010, *et seq.*)

23. Plaintiff incorporates by reference all other paragraphs in this Petition as though fully stated here.

24. Defendant intentionally discriminated against Plaintiff on the basis of her religion in the terms, conditions, and/or privileges of her employment, in ways including but not limited to terminating her employment.

25. Plaintiff's religion was a contributing factor in Defendant's unfair and discriminatory treatment of Plaintiff in the terms, conditions, and/or privileges of her employment.

26. Defendant failed to make good-faith efforts to enforce policies to prevent discrimination against its employees, including Plaintiff.

27. As a direct and proximate result of Defendant's illegal discriminatory actions, Plaintiff has suffered actual damages in the form of lost wages, lost benefits, loss of bonus payment, loss of earning capacity, loss of career opportunity, costs of seeking alternate income, pain and suffering, emotional distress, humiliation, upset, damage to her reputation, diminished job opportunities, deprivation of civil rights, and in other respects, all in an amount yet to be determined.

28. Defendant's conduct was willful, wanton and malicious, and showed complete indifference to or conscious disregard of the rights of Plaintiff under the MHRA, thus justifying an award of punitive damages in an amount sufficient to punish Defendant and to deter it and others from like conduct.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant,

for compensatory damages, including but not limited to her lost wages and benefits, lost bonus payments, damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, loss of self-esteem, humiliation and other nonpecuniary losses, damages for future loss of wages and benefits, punitive damages, all costs including reasonable attorneys' fees, equitable relief as appropriate, and any such other relief as the Court deems just and proper.

COUNT II

Retaliation

(Pursuant to the MHRA, Section 213.010, *et seq.*)

29. Plaintiff incorporates by reference all other paragraphs in this Petition as though fully stated here.

30. Plaintiff had a good-faith, reasonable belief that Defendant was engaging in unlawful employment practices, including violations of laws prohibiting religious discrimination.

31. Defendant retaliated against Plaintiff because of her opposition to its unlawful employment practices in the terms, conditions, and/or privileges of

32. her employment, including but not limited to, by failing to take prompt and appropriate corrective actions to remedy its conduct that Plaintiff reported was unlawful, subjecting Plaintiff to unwarranted criticism and hostility, and terminating her employment.

33. Plaintiff's opposition to Defendant's unlawful employment practices was a contributing factor in its decision to retaliate against her in the terms, conditions, and/or privileges of her employment.

34. Defendant failed to make good-faith efforts to enforce policies to prevent retaliation against its employees, including Plaintiff.

35. As a direct and proximate result of Defendant's continuing pattern and practice of illegal retaliation directed toward her and/or disparate treatment of her, and of Defendant's termination of her employment, Plaintiff has suffered actual damages in the form of lost wages, lost bonus payments, lost benefits, loss of earning capacity, loss of career opportunity, costs of seeking alternate income, pain and suffering, emotional distress, humiliation, upset, damage to her reputation, diminished job opportunities, deprivation of civil rights, and in other respects, all in an amount yet to be determined.

36. Defendant's retaliatory conduct was willful, wanton and malicious, and showed complete indifference to or conscious disregard of the rights of Plaintiff, thus justifying an award of punitive damages in an amount sufficient to punish Defendant and to deter it and others from like conduct in the future.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant, for compensatory damages, including but not limited to her lost wages and benefits, lost bonus payments, with interest through the date of trial, damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, loss of self-esteem, humiliation and other nonpecuniary losses, damages for future loss of wages and benefits, punitive damages, all costs including reasonable attorneys' fees, equitable relief as appropriate, including but not limited to reinstatement and an injunction restraining Defendant from future discriminatory actions, and any such other relief as the Court deems just and proper.

COUNT III

Failure to Accommodate/Engage in Interactive
Process

Pursuant to the MHRA, Section 213.010, *et seq.*)

37. Plaintiff incorporates by reference all other paragraphs in this Petition as though fully stated here.

38. MHRA prohibits Mercy from discriminating against employees based on

their religious beliefs.

39. With regards to Plaintiff's request for accommodations and religious exemption, no justification was provided beyond Mercy's denial of the exemption request and the demand to comply with the vaccination policy by the deadline.

40. Before rejecting Plaintiff's requests for a religious exemption, Mercy was required to analyze the potential available accommodations. Because no alternative accommodations were considered, Mercy violated the Plaintiffs request in error.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant, for compensatory damages, including but not limited to her lost wages and benefits, lost bonus payments, with interest through the date of trial, damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, loss of self- esteem, humiliation and other nonpecuniary losses, damages for future loss of wages and benefits, punitive damages, all costs including reasonable attorneys' fees, equitable relief as appropriate, including but not limited to reinstatement and an injunction restraining Defendant from future discriminatory actions, and any such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury in the Circuit Court of Jefferson County, Missouri, on all counts and allegations in this Petition.

By: /s/ Kristine Shilt
Kristine Shilt, MO Bar #46060
9519 Windor Drive
Lees Summit, MO 64086
Telephone: 816-935-6911
Email: kshilt@renz-law.com

ATTORNEY FOR PLAINTIFF

JAN 11 2023

MICHAEL E. REUTER
CIRCUIT CLERK

RETURN SERVICE REQUESTED

Bad Address

227E-000858

Return to Sender

KRISTINE DEANN SHILL
829 SE 12TH TERRACE
LEES SUMMIT, MO 64

NIXIE 641 DE 1 0001/08/23
 RETURN TO SENDER
 VACANT
 UNABLE TO FORWARD

63050>0100
64001\$2167 0738

00000100509 : 75

0616-02473-13-41

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 23rd Judicial Circuit Court, Jefferson County, Missouri
P O BOX 100, 300 MAIN ST, HILLSBORO, MISSOURI 63050

TRICIA DANE V MERCY JEFFERSON

CASE NO : 22JE-CC00858

To: JEFFERSON COUNTY CHILDREN'S DIVISION
10325 BUS RT 21
STE 200
HILLSBORO MO 63050

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
08-Feb-2023	Judge Assigned WILL BE NOTIFIED BY DIVISION CLERK OF NEW COURT DATE
10-Feb-2023	Case Mgmt Conf Scheduled SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Scheduled For: 15-Mar-2023 1:00 PM; SHANNON RENEE DOUGHERTY; Division 6 Courtroom; Jefferson SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Event Location: P O Box 100,300 Main St,Hillsboro, Mo

Clerk of Court

CC: JEFFERSON COUNTY CHILDREN'S DIVISION
MERCY JEFFERSON HOSPITAL-1400 US 61
TRICIA DANE

ECC: KRISTINE DEANN SHILT

Date Printed : 15-Feb-2023

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 23rd Judicial Circuit Court, Jefferson County, Missouri
P O BOX 100, 300 MAIN ST, HILLSBORO, MISSOURI 63050

TRICIA DANE V MERCY JEFFERSON

CASE NO : 22JE-CC00858

To: MERCY JEFFERSON HOSPITAL-1400 US 61
1400 US HIGHWAY 61
FESTUS MO 63028

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
08-Feb-2023	Judge Assigned WILL BE NOTIFIED BY DIVISION CLERK OF NEW COURT DATE
10-Feb-2023	Case Mgmt Conf Scheduled SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Scheduled For: 15-Mar-2023 1:00 PM; SHANNON RENEE DOUGHERTY; Division 6 Courtroom; Jefferson SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Event Location: P O Box 100,300 Main St,Hillsboro, Mo

Clerk of Court

CC: JEFFERSON COUNTY CHILDREN'S DIVISION
MERCY JEFFERSON HOSPITAL-1400 US 61
TRICIA DANE

ECC: KRISTINE DEANN SHILT

Date Printed : 15-Feb-2023

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 23rd Judicial Circuit Court, Jefferson County, Missouri
P O BOX 100, 300 MAIN ST, HILLSBORO, MISSOURI 63050

TRICIA DANE V MERCY JEFFERSON

CASE NO : 22JE-CC00858

To: TRICIA DANE
5310 CAMP CREEK CT
FARMINGTON MO 63640

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
08-Feb-2023	Judge Assigned WILL BE NOTIFIED BY DIVISION CLERK OF NEW COURT DATE
10-Feb-2023	Case Mgmt Conf Scheduled SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Scheduled For: 15-Mar-2023 1:00 PM; SHANNON RENEE DOUGHERTY; Division 6 Courtroom; Jefferson SETTING OR DISMISSAL ALL PARTIES MUST APPEAR IN PERSON Event Location: P O Box 100,300 Main St,Hillsboro, Mo

Clerk of Court

CC: JEFFERSON COUNTY CHILDREN'S DIVISION
MERCY JEFFERSON HOSPITAL-1400 US 61
TRICIA DANE

ECC: KRISTINE DEANN SHILT


Date Printed : 15-Feb-2023



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: SHANNON RENEE DOUGHERTY	Case Number: 22JE-CC00858	(Date File Stamp)
Plaintiff/Petitioner: TRICIA DANE	Plaintiff's/Petitioner's Attorney/Address KRISTINE DEANN SHILT 9519 WINDSOR DRIVE LEES SUMMIT, MO 64086	
Defendant/Respondent: MERCY JEFFERSON HOSPITAL-1400 US 61	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050	
Nature of Suit: CC Employmnt Discrmntn 213.111		

Summons in Civil Case

The State of Missouri to: MERCY JEFFERSON HOSPITAL-1400 US 61	
Alias:	
1400 US HIGHWAY 61 FESTUS, MO 63028	
 COURT SEAL OF JEFFERSON COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>March 8, 2023 Date</p> <p>MICHAEL E. REUTER, CIRCUIT CLERK BY: /s/ A.FRIERDICH, DEPUTY CLERK Clerk</p>
Further Information:	

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**IN THE CIRCUIT COURT OF JEFFERSON
COUNTY, MISSOURI AT HILLSBORO**

TRICIA DANE,)	
)	Case No. 22JE-CC00858
Plaintiff,)	Division
v.)	
)	
MERCY HOSPITAL JEFFERSON,)	
)	
)	
Defendant.)	

MOTION TO REISSUE SUMMONS

COMES NOW, Kristine Shilt as attorney for Plaintiff Tricia Dane and requests the court to reissue the summons in this case due to inaccurate contact and address information included in Missouri Casenet. The contact information has been resolved in the court system and we respectfully request an updated summons be issued.

By: /s/ Kristine Shilt

Kristine Shilt, MO Bar #46060
9519 Windor Drive
Lees Summit, MO 64086
Telephone: 816-935-6911
Email: kshilt@renz-law.com

ATTORNEY FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
MISSOURI AT HILLSBORO**

TRICIA DANE,)	
)	
Plaintiff,)	Case No. 22JE-CC00858
)	Division 6
v.)	
)	
MERCY JEFFERSON,)	
)	
)	
Defendant.)	

REQUEST FOR CONTINUANCE

COMES NOW, Kristine Shilt representing the Plaintiff Tricia Dane and requests a continuance of the case management conference on March 15, 2023. Due to inaccurate contact information within Casenet, Counsel was not receiving notifications from the court. The notification has since been resolved and a new summons was issued with the updated information. Additional time is needed to allow time to serve the updated summons.

By: /s/ Kristine Shilt
 Kristine Shilt, MO Bar #46060
 9519 Windor Drive
 Lees Summit, MO 64086
 Telephone: 816-935-6911
 Email: kshilt@renz-law.com

ATTORNEY FOR PLAINTIFF

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 23rd Judicial Circuit Court, Jefferson County, Missouri
P O BOX 100, 300 MAIN ST, HILLSBORO, MISSOURI 63050

TRICIA DANE V MERCY JEFFERSON

CASE NO : 22JE-CC00858

To: JEFFERSON COUNTY CHILDREN'S DIVISION
10325 BUS RT 21
STE 200
HILLSBORO MO 63050

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
15-Mar-2023	Hearing Continued/Rescheduled Continuance Reason - Request of Court; Continuance Requestor - Court Hearing Continued From: 15-Mar-2023 1:00 PM Event Location: P O Box 100,300 Main St,Hillsboro, Mo Case Mgmt Conf Scheduled Scheduled For: 19-Jul-2023 10:30 AM; SHANNON RENEE DOUGHERTY; Division 6 Courtroom; Jefferson Event Location: P O Box 100,300 Main St,Hillsboro, Mo Notice TO ALL PRO SE PARTIES

Clerk of Court

CC: JEFFERSON COUNTY CHILDREN'S DIVISION
MERCY JEFFERSON HOSPITAL-1400 US 61
ECC: KRISTINE DEANN SHILT
Date Printed : 21-Mar-2023

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 23rd Judicial Circuit Court, Jefferson County, Missouri
P O BOX 100, 300 MAIN ST, HILLSBORO, MISSOURI 63050

TRICIA DANE V MERCY JEFFERSON

CASE NO : 22JE-CC00858

To: MERCY JEFFERSON HOSPITAL-1400 US 61
1400 US HIGHWAY 61
FESTUS MO 63028

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
15-Mar-2023	Hearing Continued/Rescheduled Continuance Reason - Request of Court; Continuance Requestor - Court Hearing Continued From: 15-Mar-2023 1:00 PM Event Location: P O Box 100,300 Main St,Hillsboro, Mo Case Mgmt Conf Scheduled Scheduled For: 19-Jul-2023 10:30 AM; SHANNON RENEE DOUGHERTY; Division 6 Courtroom; Jefferson Event Location: P O Box 100,300 Main St,Hillsboro, Mo Notice TO ALL PRO SE PARTIES

Clerk of Court

CC: JEFFERSON COUNTY CHILDREN'S DIVISION
MERCY JEFFERSON HOSPITAL-1400 US 61
ECC: KRISTINE DEANN SHILT
Date Printed : 21-Mar-2023

IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
MISSOURI AT HILLSBORO

TRICIA DANE,

Plaintiff,

v.

MERCY JEFFERSON,

Defendant.

Case No. 22JE-CC00858

Division 6

FILED


MAR 15 2023

MICHAEL E. REUTER
CIRCUIT CLERK

REQUEST FOR CONTINUANCE

COMES NOW, Kristine Shilt representing the Plaintiff Tricia Dane and requests a continuance of the case management conference on March 15, 2023. Due to inaccurate contact information within Casenet, Counsel was not receiving notifications from the court. The notification has since been resolved and a new summons was issued with the updated information. Additional time is needed to allow time to serve the updated summons.

*Set for Conference
on July 19, 2023
at 10:30 a.m.*

So Ordered;


3/15/23

By: /s/ Kristine Shilt

Kristine Shilt, MO Bar #46060

9519 Windor Drive

Lees Summit, MO 64086

Telephone: 816-935-6911

Email: kshilt@renz-law.com

ATTORNEY FOR PLAINTIFF